IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1663 of 2005

Between:

1. Simhadri Ramadasu S/o late Narayana Murthy
   Agriculturists And R/o Pidathamamidi (V) Gangavaram (M)

East Godavari District
2. Simhadri Seetharama Raju S/o late Narayana Murthy
   Agriculturists And R/o Pidathamamidi (V) Gangavaram (M)

East Godavari District
3. Simhadri Krishna S/o late Narayana Murthy
   Agriculturists And R/o Pidathamamidi (V) Gangavaram (M)

East Godavari District

..... PETITIONERS

AND

1. The Additional Agent to the Government,

East Godvari District at Rampachodavaram
2. The Special Deputy Collector (TW) Rampachodavaram,

East Godavary District
3. The Mandal Revenue Officer, Gangavaram, East Godavari District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate Writ or order or direction more particularly one in the nature of *Writ of Mandamus* declaring the action of the respondents in evicting the petitioners from the land to an extent of 14.58 acres in Sy. Nos: 151/1 & 151/3 of pidathamamidi Village Gangavaram Mandal, East Godavari District in pursuance of the order passed by the 2nd respondent in L.T.R.P. No. 90/2003 as illegal, arbitrary and unjust and consequently direct the respondents 2 & 3 not to evict the petitioners from the above land pending disposal of the appeal preferred before the 1st respondent.

Counsel for the Petitioner: MR.K.VENKATESH

Counsel for the Respondent No.: GP FOR SOCIAL WELFARE

The Court made the following:

ORDER:

Challenging the order passed by the 2nd respondent in L.T.R.P.No.90 of 2003, dated 27.10.2004, for evicting the petitioners herein from the land admeasuring of Ac.14.58 cents in Survey No.151/1 & 151/3 situated at Pidathamamadi Village, Gangavaram Mandal, East Godavari District, the present writ petition is filed.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

3. The learned counsel for the petitioner contended that the order under challenge is passed without notice to the petitioners, therefore, it is violation of principles of natural justice.

4. On the other hand, the learned Government Pleader for Social Welfare appearing for the respondents contended that against the impugned order an appeal has already been filed before the first respondent, therefore, the petitioners cannot be permitted to prosecute two parallel proceedings in respect of the same cause of action.

5. Admittedly, against the impugned order, the petitioners preferred an appeal before Additional Agent to Government, East Godavari District at Rampachodavaram and it is pending. Therefore, the writ petition is totally devoid of merits and is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. However, it is made clear that the first respondent shall consider the appeal which is pending before him and pass appropriate orders in the appeal in accordance with law, within a period of two months from the date of receipt of a copy of this order. No order as to costs.

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(K.C. BHANU, J)

Date: 10.02.2005

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Additional Agent to the Government,

East Godvari District at Rampachodavaram
2. The Special Deputy Collector (TW) Rampachodavaram,

East Godavary District
3. The Mandal Revenue Officer, Gangavaram, East Godavari District

4. Two C. Cs to G.P. for Social Welfare, High Court Buildings, Hyderabad (OUT).

5. 2 CD copies

*Form-NIC-OGS/WP{**TRT**}*